

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: **TORY TERES MATTHEWS**

Case Number: 21-40525 TJT
Chapter 13
Judge TUCKER

Debtor.

WILLIAM D. JOHNSON (P54823)
ACCLAIM LEGAL SERVICES, P.L.L.C.
8900 E. 13 Mile Rd.
Warren, MI 48093
(248) 443-7033

**OBJECTION TO PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF TREASURY
(PACER CLAIM #2)**

Debtor, by and through counsel, Acclaim Legal Services, P.L.L.C., objects to the Proof of Claim of Michigan Department of Treasury (Pacer Claim #2) and states as follows:

1. Debtor filed a Chapter 13 Bankruptcy on January 21, 2021.
2. Creditor filed its Proof of Claim #2 on May 27, 2021 in the amount of \$18,174.87.
3. Creditor's Proof of Claim reflects unassessed liabilities for the 2018, 2019, and 2020 tax years.
4. Creditor estimates liabilities of \$5,000.00 plus fees and fines for each of the above tax years.
5. Debtor has filed the above referenced tax returns.
6. Debtor's tax returns reflect a 2018 liability of \$215.00, and refunds owed to the Debtor for the 2019 and 2020 years significantly in excess of the amount owed for 2018.
7. As a result, nothing is owed to the State of Michigan for the 2018, 2019, or 2020 tax years.

Wherefore, Debtor prays the Court grant the objection and strike the Proof of Claim consistent with the attached proposed order.

Dated: October 1, 2021

/s/ Ryan A. Paree
Ryan A. Paree (P80345)
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093
(248) 443-7033
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PROPOSED
ORDER GRANTING OBJECTION TO PROOF OF CLAIM OF MICHIGAN
DEPARTMENT OF TREASURY (PACER CLAIM #2)

This matter having come on for hearing before the Court by way of the objection of the debtor to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a (30) day notice pursuant to Bankruptcy Rule 3007, a Notice of Objection having been served and a certificate of non-response having been filed with the court;

NOW THEREFORE IT IS HEREBY ORDERED THAT;

The objection to the Proof of Claim filed by the above referenced creditor is hereby granted. To the extent that the Standing Chapter 13 Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup the same.

IT IS FURTHER ORDERED AS FOLLOWS: (Only provisions checked below apply)

☒ [X] The Proof of Claim is hereby denied.

EXHIBIT A

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**NOTICE OF OBJECTION TO PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF
TREASURY (PACER CLAIM #2)**

Debtor has filed an objection to the Proof of Claim in this bankruptcy case.

Your claim may be reduced, modified or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before **November 11, 2021**, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

United States Bankruptcy Court
211 West Fort Street
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleading electronically.

You must also mail a copy to:

William D. Johnson
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093

Tammy L. Terry, Chapter 13 Trustee
535 Griswold, Suite 2100
Detroit, MI 48226

2. Attend a hearing on the objection, scheduled to be held on **Thursday, November 18, 2021 at 10:00 a.m.** in the Honorable Judge Tucker's Courtroom 1925 at 211 West Fort Street, Detroit, MI 48226, unless your attendance is excused by mutual agreement between yourself and the objector's attorney (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.

If you or your attorney do not take these steps, the court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: October 1, 2021

/s/ Ryan A. Paree
Ryan A. Paree (P80345)
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093
(248) 443-7033
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PROOF OF SERVICE

Alicia Paree, hereby certifies that on October 1, 2021, she served a copy of the following documents electronically or by United States Postal Service:

- Objection to Proof of Claim
- Notice of Objection to Claim
- Proof of service

Upon: **Tammy L. Terry, Chapter 13 Trustee – electronically**

Per Proof of Claim:

**Michigan Department of Treasury
Bankruptcy Unit
PO Box 30168
Lansing, MI 48909**

Dated: October 1, 2021

/s/ Alicia Paree
Alicia Paree
Acclaim Legal Services, PLLC
8900 E. 13 Mile Road
Warren, MI 48093
(248) 443-7033
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